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Under the method in use up to the present time, the issue of the JOURNAL which has appeared at the close of the month has been dated as of the month just ending. The disadvantages of this system have become so obvious that a change has been effected. The present number is dated February instead of January, there being no issue of that date. There will be no change at present in the number of issues to a volume or the time of appearance. The ninth and last number this year will be dated July instead of June as heretofore, and the first number next fall will be dated November instead of October.

ANTI-TRUST LAW—POWER OF CONGRESS TO RESTRICT CONTRACTS IN
RESTRAINT OF INTERSTATE COMMERCE—ADDYSTON PIPE AND
STEEL CO. V. U. S., 20 SUP. CT. REP. 96.

This is one of the most interesting and valuable of the recent decisions of the Supreme Court. The opinion by Justice Peckham is very lucid in its exposition of the principles upon which a contract restraining competition in bidding for contracts to furnish goods, to be manufactured by the successful bidder, is a contract in restraint of trade and not such a monopoly of manufacture merely

as is held legal in the case of *U. S. v. E. C. Knight Co.*, 156 U. S. 1. Of more especial merit, however, is the discussion of the proposition that the power given by the Constitution to Congress to regulate interstate commerce, was not intended as "a general power to interfere with or prohibit private contracts between citizens, even though such contracts have interstate commerce for their object and result in a direct and substantial obstruction to or regulation of that commerce." This contention is based on the grounds that the power was vested in Congress so as to insure uniformity of regulation against conflicting and discriminating state legislation, and that the constitutional guaranty of the liberty of private contract is a limitation on the power of Congress to regulate commerce. In answer the court holds that the power of Congress to legislate is given as a limitation on the right of contract; that the interference with interstate commerce by contract may be as far-reaching as any by state legislation, and if unrestrained would result in the regulation of a subject which has been given over to Congress; and that if such power over contracts does not vest in Congress it must reside either in the legislatures or courts of the states, which could thereby exercise indirectly a conflicting and discriminating control over interstate commerce.

The decision of this point is not based on authority, for the question is a somewhat novel one; but it stands on sound principles. The power to regulate a subject unquestionably must include the power to regulate the right of contracts relating to that subject. The power to regulate interstate commerce is vested in Congress and the anti-trust law of 1890 is a valid exercise of that power.

PRIVILEGED COMMUNICATIONS—RIGHT OF ATTORNEY TO COMMENT
UPON FAILURE TO CALL FAMILY PHYSICIAN.

The common law limited very closely the doctrine of privilege to witnesses or communications. Indeed they were not really privileges, but extensions of the rule that a party to a suit was incompetent to testify for himself. The wife could not testify, being one with the husband; the attorney, being agent and representative of the party. With the relaxation of the rule on which they were based they were modified and became pure privileges. But the law refused to physicians this benefit. They could be compelled to go upon the stand, and, once there, to disclose confidential professional communications. *Duchess of Kingston's Case*, 20 How. St. Trials 572.

New York was the first State to prohibit by statute "any doctor of physic" from disclosing "any information acquired in attending a patient in a professional capacity," but allowing the patient to waive